

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, default was made in the performance of the conditions and stipulations as set out by that certain Deed of Trust from Robert M. Evans and wife, Donna M. Evans, to R. Conner McAllister, Trustee for Bailey Mortgage Company, under date of May 15, 1989, which Deed of Trust is recorded in the office of the Chancery Clerk of DeSoto County at Hernando, Mississippi, in Book 472 at Page 18; and

WHEREAS, on May 15, 1989, said deed of trust was assigned to Security Savings and Loan Association in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 474 at Page 202; and

WHEREAS, on June 29, 1990, said deed of trust was assigned to South Carolina National Bank in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 520 at Page 420; and

WHEREAS, on July 9, 1992, said Deed of Trust was assigned to Wachovia Mortgage Company in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 601 at Page 769; and

WHEREAS, the default continued for more than thirty (30) days; and

WHEREAS, William R. Barnett was appointed Substitute Trustee in the Deed of Trust aforementioned by instrument executed on September 8, 1992, and recorded in the office of the Chancery Clerk aforesaid in Book 603 at Page 278, wherein said Substitute Trustee has all rights, powers and privileges of the original Trustee named in said Deed of Trust, which Substitute Trustee appointment was placed of record in the office of the Chancery Clerk aforesaid prior to commencement of the hereinafter mentioned publication; and

WHEREAS, having been requested to do so by the Beneficiary, Wachovia Mortgage Company, of said Deed of Trust, I, William R. Barnett, Substitute Trustee, did make demand of the said Robert M. Evans and wife, Donna M. Evans, and did advertise the hereinafter described property for sale in the DeSoto Times, a newspaper of

general circulation in DeSoto County, Mississippi, on October 8, 1992, October 15, 1992, October 22, 1992, and October 29, 1992; which is more fully shown by the original proof of publication which is hereto attached as Exhibit A to the Deed and made a part hereof, as if copied fully herein in both words and figures, and by posting on the bulletin board of the Courthouse of DeSoto County, in Hernando, Mississippi, strictly as required by law, and by the terms of the Deed of Trust aforesaid, which is more fully shown by the original certificate attached hereto setting forth an exact copy of the notice so posted and showing the date of posting; said Notice hereto attached as Exhibit B to the Deed and made a part hereof, as if copied fully herein in both words and figures; and

WHEREAS, the Substitute Trustee's Notice of Sale, in accordance with the heretofore mentioned Deed of Trust, provided that the said property would be sold on the 30th day of October, 1992, between the hours of 11:00 A.M. and 4:00 P.M., in front of the East Front Door of the Courthouse for DeSoto County, Mississippi, at Hernando, Mississippi, and I did offer for sale the following described property lying and being situated in DeSoto County, Mississippi, to-wit:

Lot 2489, Section L, in Southaven West Subdivision, Section 27, Township 1 South, Range 8 West, as recorded in DeSoto County Chancery Court Clerk's office, Plat Book 4, Page 51, being more particularly described as follows, to-wit:

Beginning at a point in the northwest line of Charleston Drive, said point being a common corner of Lots 2490 and 2489; thence northeastwardly along said northwest line a distance of 65.0 feet to a corner of Lot 2488; thence northwestwardly along the line dividing Lots 2488 and 2489 a distance of 178.35 feet to a point in the northwest boundary line of the subdivision; thence southwestwardly along said northwest line a distance of 66.53 feet to a corner of Lot 2490; thence southeastwardly along the line dividing Lots 2490 and 2489 a distance of 164.18 feet to the point of beginning, as per survey made by Campbell Surveying dated May 8, 1989.

WHEREAS, Wachovia Mortgage Company did appear and make the highest and best bid; and

WHEREAS, I did strike off the said property to the said Wachovia Mortgage Company; and

NOW THEREFORE, in consideration of the sum of \$65,157.79,

cash in hand paid, receipt of which is hereby acknowledged, I, WILLIAM R. BARNETT, Substitute Trustee, of 503 South State Street, Jackson, Mississippi 39201, Telephone No.: (601) 354-8627, do sell and convey unto WACHOVIA MORTGAGE COMPANY of Post Office Box 3174, Winston-Salem, North Carolina 27102; Telephone No.: 1-800-334-1221, the above described land and property situated in DeSoto County, Mississippi.

Title to said property is believed to be good, but I convey only such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this the 30 day of October, 1992.

William R. Barnett

WILLIAM R. BARNETT,
Substitute Trustee

STATE OF MISSISSIPPI

COUNTY OF DESOTO

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority, the within named WILLIAM R. BARNETT, who, after being first duly sworn, states on oath that he signed and delivered the above and foregoing Substitute Trustee's Deed on the day and year mentioned therein and that he does not have a financial or beneficial interest, either direct or indirect, in WACHOVIA MORTGAGE COMPANY.

GIVEN UNDER MY HAND AND SEAL on this the 30 day of October, 1992.

W. E. Davis, Chancellor
NOTARY PUBLIC *by N. H. H. H. H.*

My Commission expires:

1-2-96

CERTIFICATE OF POSTING

I, WILLIAM R. BARNETT, do hereby certify on or before October 7, 1992, that I caused the Substitute Trustee's Notice of Sale of the property covered by the aforementioned Deed of Trust to be posted on the bulletin board located in the DeSoto County Courthouse at Hernando, Mississippi.

DATED, this the 30 day of October, 1992.

William R. Barnett

WILLIAM R. BARNETT

WILLIAM R. BARNETT
503 South State Street
Jackson, Mississippi 39201
(601) 354-8627
MSB# 2053



PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

CHERRYL FITZGERALD personally appeared before me the undersigned authority in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times, a newspaper published in the Town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

Volume No. 97 on the 8 day of Oct, 19 92

Volume No. 97 on the 15 day of Oct, 19 92

Volume No. 97 on the 22 day of Oct, 19 92

Volume No. 97 on the 29 day of Oct, 19 92

Volume No. _____ on the _____ day of _____, 19 _____

Cherryl Fitzgerald, Clerk
(TITLE)

Sworn to and subscribed before me, this the

29 day of Oct, 19 92

By Notary Public

My commission expires My Commission Expires June 3, 1993

A. Single first insertion of 541 words @ .08 \$ 43.28
B. 1623 subsequent insertions of 1623 words @ .05 \$ 81.15
C. Making proof of publication and depositing to same \$ 1.00

TOTAL PUBLISHER'S FEE \$ 125.43

339 Lusher St.- On The Square / Hernando, MS 38632 / 601-429-6397 • 1283 Stateline Rd.- DeSoto Plaza / Southaven, MS 38671 / 601-393-6397

SUBSTITUTE TRUSTEE'S NOTICE OF SALE

WHEREAS, on May 15, 1989, ROBERT M. EVANS and wife, DONNA M. EVANS, executed a Deed of Trust to R. Conner McAllister, Trustee for Bailey Mortgage Company, which Deed of Trust is recorded in the office of the Chancery Clerk of DeSoto County at Hernando, Mississippi, in Book 472 at Page 18; and

WHEREAS, on May 15, 1989, said deed of Trust was assigned to Security Savings and Loan Association in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 474 at Page 202; and

WHEREAS, on June 29, 1990, said deed of Trust was assigned to South Carolina National Bank in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 520 at Page 420; and

WHEREAS, on July 9, 1992, said Deed of Trust was assigned to Wachovia Mortgage Company in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 601 at Page 789; and

WHEREAS, William R. Barnett was appointed Substitute Trustee in the Deed of Trust aforementioned by instrument executed on September 8, 1992, and recorded in the office of the Chancery Clerk aforesaid in Book 602 at Page 278; and

WHEREAS, default having been made under the terms and conditions of said Deed of Trust, and the entire debt being secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, and the legal holder of said indebtedness, WACHOVIA MORTGAGE COMPANY, having requested the Substitute Trustee to execute the Substitute Trustee's Notice of Sale and sell said land and property in accordance with the terms of said Deed of Trust for the purpose of raising the sum due thereunder, together with attorney's fee, Trustee's fee and expense of sale;

NOW, THEREFORE, I, William R. Barnett, Substitute Trustee in said Deed of Trust, will on the 30th day of October, 1992, offer for sale at public outcry and sell within the legal hours (being the hours of 11:00 A.M. and 4:00 P.M.) in front of the East Front Door of the DeSoto County Courthouse for DeSoto County, Mississippi, at Hernando, Mississippi to the highest and best bidder, for cash, the following described land and property lying and being situated in DeSoto County Mississippi, to-wit:

Lot 2489, Section 1, in Southaven West Subdivision, Section 27, Township 1 South, Range 8 West, as recorded in DeSoto County Chancery Court Clerk's office, Plat Book 4, Page 51, being more particularly described as follows, to-wit:

Beginning at a point in the northwest corner of Charleston Drive, said point being a common corner of Lots 2480 and 2489; thence northeasterly along said northwest line a distance of 85.0 feet to a corner of Lot 2489; thence northeasterly along the line dividing Lots 2488 and 2489 a distance of 178.35 feet to a point in the northwest boundary line of the subdivision; thence southeasterly along said northwest line a distance of 66.53 feet to a corner of Lot 2490; thence southeasterly along the line dividing Lots 2490 and 2489 a distance of 164.18 feet to the point of beginning, as per survey made by Campbell Surveying dated May 8, 1989.

Title is believed to be good, but I will on convey such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this the 23rd day of September, 1992.

WILLIAM R. BARNETT
SUBSTITUTE TRUSTEE

October 8, 15, 22 and 29, 1992 54

SUBSTITUTE TRUSTEE'S NOTICE OF SALE

WHEREAS, on May 15, 1989, ROBERT M. EVANS and wife, DONNA M. EVANS, executed a Deed of Trust to R. Conner McAllister, Trustee for Bailey Mortgage Company, which Deed of Trust is recorded in the office of the Chancery Clerk of DeSoto County at Hernando, Mississippi, in Book 472 at Page 18; and

WHEREAS, on May 15, 1989, said deed of trust was assigned to Security Savings and Loan Association in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 474 at Page 202; and

WHEREAS, on June 29, 1990, said deed of trust was assigned to South Carolina National Bank in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 520 at Page 420; and

WHEREAS, on July 9, 1992, said Deed of Trust was assigned to Wachovia Mortgage Company in that certain assignment which is recorded in the office of the Chancery Clerk aforesaid in Book 601 at Page 769; and

WHEREAS, William R. Barnett was appointed Substitute Trustee in the Deed of Trust aforementioned by instrument executed on September 8, 1992, and recorded in the office of the Chancery Clerk aforesaid in Book 603 at Page 278; and

WHEREAS, default having been made under the terms and conditions of said Deed of Trust, and the entire debt being secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, and the legal holder of said indebtedness, WACHOVIA MORTGAGE COMPANY, having requested the undersigned Substitute Trustee to execute the Substitute Trustee's Notice of Sale and sell said land and property in accordance with the terms of said Deed of Trust for the purpose of raising the sum due thereunder, together with attorney's fee, Trustee's fee and expense of sale;

NOW, THEREFORE, I, William R. Barnett, Substitute Trustee in said Deed of Trust, will, on the 30th day of October, 1992, offer for sale at public outcry and sell within the legal hours (being the hours of 11:00 A.M. and 4:00 P.M.) in front of the East Front

Door of the DeSoto County Courthouse for DeSoto County, Mississippi, at Hernando, Mississippi, to the highest and best bidder, for cash, the following described land and property lying and being situated in DeSoto County, Mississippi, to-wit:

Lot 2489, Section L, in Southaven West Subdivision, Section 27, Township 1 South, Range 8 West, as recorded in DeSoto County Chancery Court Clerk's office, Plat Book 4, Page 51, being more particularly described as follows, to-wit:

Beginning at a point in the northwest line of Charleston Drive, said point being a common corner of Lots 2490 and 2489; thence northeastwardly along said northwest line a distance of 65.0 feet to a corner of Lot 2488; thence northwestwardly along the line dividing Lots 2488 and 2489 a distance of 178.35 feet to a point in the northwest boundary line of the subdivision; thence southwestwardly along said northwest line a distance of 66.53 feet to a corner of Lot 2490; thence southeastwardly along the line dividing Lots 2490 and 2489 a distance of 164.18 feet to the point of beginning, as per survey made by Campbell Surveying dated May 8, 1989.

Title is believed to be good, but I will only convey such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this the 23 day of September, 1992.

William R. Barnett

WILLIAM R. BARNETT
SUBSTITUTE TRUSTEE

Posted on or before: October 7, 1992

Publication Dates:

October 8, 1992
October 15, 1992
October 22, 1992
October 29, 1992

POSTED
STATE MS.-DESOTO CO.

SEP 23 10 45 AM '92

DEED BOOK _____
PAGE _____
W.E. DAVIS CH. CLK.

STATE MS.-DESOTO CO. *BC*
FILED

OCT 30 2 09 PM '92

RECORDED *10-30-92*
DEED BOOK *250*
PAGE *201*
W.E. DAVIS CH. CLK.